

EXHIBIT 10

| | | |
|----|---|----------|
| 1 | A. Yes. | 09:19:03 |
| 2 | Q. You verified that you were providing those | 09:19:03 |
| 3 | responses under penalty of perjury? | 09:19:05 |
| 4 | A. Under penalty of perjury, yes. | 09:19:08 |
| 5 | Q. Were your responses accurate? | 09:19:15 |
| 6 | A. Yes, they were accurate. | 09:19:16 |
| 7 | Q. As you sit here, I know you don't have it | 09:19:18 |
| 8 | in front of you, but as you sit here, is there | 09:19:20 |
| 9 | anything you want to change about your responses? | 09:19:21 |
| 10 | A. I think that there -- in some cases, were | 09:19:24 |
| 11 | less than complete. I think that they were in all | 09:19:25 |
| 12 | cases accurate, but if you want to go through them | 09:19:28 |
| 13 | one by one, I would be happy to try to make them as | 09:19:30 |
| 14 | complete as possible. | 09:19:33 |
| 15 | Q. So no inaccuracies as you sit here? | 09:19:35 |
| 16 | A. Not that I'm aware of, no. | 09:19:40 |
| 17 | Q. And when you say "they were less than | 09:19:43 |
| 18 | complete," without having the document in front of | 09:19:45 |
| 19 | you, does anything come to mind? | 09:19:48 |
| 20 | A. Yes, specifically, there was an answer | 09:19:50 |
| 21 | where I spoke about cold calling, had I ever been | 09:19:53 |
| 22 | cold called. I believe, I only recounted one | 09:19:56 |
| 23 | instance of that. I think it's fairly obvious, even | 09:20:00 |
| 24 | from the e-mails that I supplied to you, that there | 09:20:04 |
| 25 | were more than the one occasion -- there were more | 09:20:07 |

| | | |
|----|---|----------|
| 1 | than one occasion on which I was cold called | 09:20:07 |
| 2 | under -- the definition of cold calling, including | 09:20:09 |
| 3 | e-mails as well as phone calls. And I do get calls | 09:20:12 |
| 4 | from recruiters a lot, but it's often enough that I | 09:20:16 |
| 5 | don't really remember most of them. | 09:20:20 |
| 6 | And -- and when I saw that question, it was | 09:20:21 |
| 7 | like, I'm not going to possibly be able to answer | 09:20:24 |
| 8 | this without listing 1,000 people that I've ever | 09:20:27 |
| 9 | spoken to. So I did the best I could under those | 09:20:30 |
| 10 | circumstances. I felt like, you know, I could | 09:20:33 |
| 11 | provide you with the information that I wanted this | 09:20:35 |
| 12 | time. | 09:20:37 |
| 13 | Q. Anything else that was not complete that | 09:20:38 |
| 14 | you can recall right now? | 09:20:42 |
| 15 | A. Not that I recall, but we can go through | 09:20:42 |
| 16 | it. | 09:20:50 |
| 17 | Q. So how many -- you just mentioned that it | 09:20:50 |
| 18 | was more than one occasion that you received a cold | 09:20:51 |
| 19 | call? | 09:20:54 |
| 20 | A. Yes. | 09:20:54 |
| 21 | Q. How often did you get cold called? | 09:20:55 |
| 22 | A. I continue to get cold calls from | 09:20:56 |
| 23 | recruiters, and I have gotten cold calls over the | 09:21:00 |
| 24 | years. Probably several a month at least. It would | 09:21:03 |
| 25 | depend on if I'm looking for a job or not. If I put | 09:21:07 |

| | | |
|----|--|----------|
| 1 | my resume out there, I will get more. | 09:21:12 |
| 2 | But usually they are not very memorable. | 09:21:14 |
| 3 | Usually, they are from some third-party recruiter | 09:21:17 |
| 4 | rather than a big company such as Adobe, so a cold | 09:21:20 |
| 5 | call like that would be more rare. | 09:21:25 |
| 6 | Q. What do you mean when you say "not | 09:21:27 |
| 7 | memorable"? | 09:21:30 |
| 8 | A. I mean like a third-party saying, "Hey, | 09:21:30 |
| 9 | would you potentially be interested in potentially | 09:21:33 |
| 10 | working for" some company that I can't even tell you | 09:21:36 |
| 11 | what their name is. And I could say, "Sure, I | 09:21:40 |
| 12 | guess. Give me more information." It's not a | 09:21:42 |
| 13 | specific lead. It's sort of a general, "Would you | 09:21:44 |
| 14 | like to be in contact with me, I have jobs that | 09:21:46 |
| 15 | might fit you" sort of thing. | 09:21:48 |
| 16 | Q. When you say several months, can you put | 09:21:50 |
| 17 | some sort of range in numbers on that? | 09:21:54 |
| 18 | A. Depending on whether I'm looking for | 09:21:56 |
| 19 | employment. If I'm actually looking for employment | 09:21:58 |
| 20 | and I'm updating my resume and putting it out there, | 09:22:01 |
| 21 | then I might get ten a week. And if I'm not | 09:22:05 |
| 22 | actively looking for employment, then I might get | 09:22:09 |
| 23 | five a month if I pull my resume off the sites. | 09:22:14 |
| 24 | Q. And those two estimates that you gave, was | 09:22:22 |
| 25 | that true of the past decade? | 09:22:25 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 A. Mostly true. It's become increasingly true 09:22:28
2 as my career's progressed. You know, at the start 09:22:34
3 of the decade, it would have been less. And during 09:22:36
4 2001, 2003, it would have been a lot less because 09:22:40
5 that was a really slow time. But after 2003 and 09:22:42
6 towards 2005, it heated up quite a bit. 09:22:46

7 Q. What about after 2005? 09:22:50

8 A. It seemed to continue to heat up. 09:22:52

9 Q. And did that trend continue after 2005? 09:22:58

10 A. Seems to be continuing, yeah, there seems 09:23:03
11 to be no shortage of positions in the market right 09:23:06
12 now. 09:23:10

13 Q. Going back to the 2001-2003 period when you 09:23:13
14 say you were getting less calls, what would your 09:23:17
15 approximate number be for cold call's per month? 09:23:21

16 A. Going back ten years, like -- I really 09:23:25
17 don't know. I just know it is less than it is 09:23:29
18 now. 09:23:31

19 Q. Do you have any estimate? 09:23:31

20 A. It wouldn't be an accurate estimate. I 09:23:37
21 don't know. I would be guessing. 09:23:41

22 Q. And why do you think you were not getting a 09:23:43
23 lot of calls at that time? 09:23:46

24 A. In 2001-2003, the economy, the dot bomb, or 09:23:48
25 the crash happened, and that was pretty much the 09:23:53

| | | |
|----|---|----------|
| 1 | BY MS. KAHN: | 10:16:17 |
| 2 | Q. As you're looking at it now, is Vic a | 10:16:17 |
| 3 | recruiter from Aquent? | 10:16:20 |
| 4 | MR. GLACKIN: Objection, calls for | 10:16:22 |
| 5 | speculation. | 10:16:23 |
| 6 | THE WITNESS: Would you like me to | 10:16:23 |
| 7 | speculate? | 10:16:25 |
| 8 | BY MS. KAHN: | 10:16:26 |
| 9 | Q. You can answer if you have any -- do you | 10:16:26 |
| 10 | have any understanding as you're looking at this | 10:16:27 |
| 11 | document as to who Vic is? | 10:16:29 |
| 12 | MR. GLACKIN: Objection, calls for | 10:16:30 |
| 13 | speculation. | 10:16:31 |
| 14 | BY MS. KAHN: | 10:16:32 |
| 15 | Q. You can answer if you understand the | 10:16:32 |
| 16 | question. | 10:16:33 |
| 17 | A. I would be able to speculate for you with a | 10:16:35 |
| 18 | reasonable amount of reliability, but I can't say | 10:16:38 |
| 19 | certainly that I know who he is. | 10:16:40 |
| 20 | Q. Go ahead. | 10:16:43 |
| 21 | MR. GLACKIN: Objection, you're asking him | 10:16:43 |
| 22 | to speculate? | 10:16:45 |
| 23 | MR. KIERNAN: Yes. | 10:16:47 |
| 24 | THE WITNESS: I believe he would be someone | 10:16:47 |
| 25 | who would have knowledge of a position -- a | 10:16:47 |

1 technical writer position that's in the subject line 10:16:53
2 of the e-mail. 10:16:55
3 BY MS. KAHN: 10:16:58
4 Q. Is he a recruiter? 10:16:58
5 A. I don't know. 10:17:00
6 Q. What is Aquent? 10:17:00
7 A. I don't know. 10:17:02
8 Q. You never heard of Aquent before? 10:17:02
9 A. I'm sure I heard of them because I sent the 10:17:04
10 e-mail, but it was eight years ago, and I don't know 10:17:07
11 now. 10:17:10
12 Q. And you say here in your e-mail to Vic, 10:17:11
13 "You apparently contacted my co-worker Mike Reed 10:17:13
14 regarding a technical writing position. He passed 10:17:16
15 the information to me as I am looking for a more 10:17:20
16 stable position. Please review my resume and 10:17:24
17 contact me at your earliest convenience." Do you 10:17:27
18 see that? 10:17:30
19 A. Yes, I see that. 10:17:31
20 Q. Were you e-mailing your resume to Vic for 10:17:32
21 purposes of getting employment? 10:17:35
22 A. Sounds like it. 10:17:36
23 Q. Can you turn to the next page, does that 10:17:42
24 look like your resume? 10:17:44
25 A. It looks like a version of my resume that I 10:17:45

| | | |
|----|--|----------|
| 1 | would have written eight years ago. | 10:17:49 |
| 2 | Q. Can you indicate the years that you | 10:17:51 |
| 3 | indicate you worked at RealNames were from 2001 to | 10:17:55 |
| 4 | 2002? | 10:17:55 |
| 5 | A. I do see that, yes. | 10:17:55 |
| 6 | Q. That's inaccurate, right, based on what we | 10:17:57 |
| 7 | went through? | 10:17:59 |
| 8 | MR. GLACKIN: Objection, argumentative. | 10:18:00 |
| 9 | BY MS. KAHN: | 10:18:00 |
| 10 | Q. You can answer. | 10:18:00 |
| 11 | A. Can you define "inaccurate"? | 10:18:06 |
| 12 | Q. Did you work at RealNames from 2001 to | 10:18:08 |
| 13 | 2002? | 10:18:11 |
| 14 | MR. GLACKIN: Objection, mischaracterizes | 10:18:12 |
| 15 | document, argumentative. | 10:18:13 |
| 16 | THE WITNESS: I don't see that this says | 10:18:15 |
| 17 | through 2002. I don't see the word "through" | 10:18:16 |
| 18 | there. | 10:18:21 |
| 19 | BY MS. KAHN: | 10:18:22 |
| 20 | Q. Do you see any indication on this resume | 10:18:22 |
| 21 | when you worked at RealNames? | 10:18:25 |
| 22 | A. It says, in brackets, "2001 - 2002," end | 10:18:26 |
| 23 | bracket. | 10:18:30 |
| 24 | Q. Do you recall writing that on your | 10:18:34 |
| 25 | resume? | 10:18:38 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | | |
|----|----|--|----------|
| 1 | A. | No. | 11:04:03 |
| 2 | Q. | Have you ever participated in a salary | 11:04:04 |
| 3 | | survey? | 11:04:05 |
| 4 | A. | No. | 11:04:06 |
| 5 | Q. | And aside from these websites, any other | 11:04:11 |
| 6 | | way that you were getting a sense of what other | 11:04:14 |
| 7 | | employers are paying for similar positions you're | 11:04:17 |
| 8 | | working on? | 11:04:20 |
| 9 | | MR. GLACKIN: Objection, vague. | 11:04:22 |
| 10 | | THE WITNESS: I don't recall. | 11:04:26 |
| 11 | | BY MS. KAHN: | 11:04:34 |
| 12 | Q. | You said earlier, and I don't have | 11:04:34 |
| 13 | | Livenote, I don't know the exact testimony, but | 11:04:37 |
| 14 | | there were certain points when you started getting a | 11:04:40 |
| 15 | | sense of what other employers were paying for a | 11:04:44 |
| 16 | | similar positions? (Cross-talking.) | 11:04:48 |
| 17 | | MR. GLACKIN: Objection, mischaracterizes | 11:04:49 |
| 18 | | prior testimony and vague. | 11:04:49 |
| 19 | | THE WITNESS: I don't know if you want to | 11:04:53 |
| 20 | | read back the testimony, I can tell you if it does | 11:04:54 |
| 21 | | or not. | 11:04:57 |
| 22 | | BY MS. KAHN: | 11:04:57 |
| 23 | Q. | Well, is that a true statement? | 11:04:57 |
| 24 | | MR. GLACKIN: Objection, vague. | 11:04:58 |
| 25 | | THE WITNESS: Is what a true statement? | 11:05:00 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 BY MS. KAHN: 11:05:03

2 Q. That at certain points -- I think you used 11:05:03

3 the word "point" because I jotted it down, you 11:05:06

4 started having more of a sense what other employers 11:05:09

5 were paying for similar jobs that you were working 11:05:12

6 on? 11:05:15

7 MR. GLACKIN: Objection, vague. 11:05:15

8 THE WITNESS: As I progressed through my 11:05:17

9 career, I talked to more and more recruiters, I've 11:05:19

10 have been told by what -- by those recruiters what 11:05:25

11 they pay. I've gotten a sense from them. 11:05:30

12 And if I talked to more than one recruiter 11:05:34

13 and they tell me -- you know, if I talk to several 11:05:40

14 recruiters about a position and they all tell me 11:05:44

15 this is the range, then I go, okay, this is the 11:05:44

16 range. 11:05:46

17 BY MS. KAHN: 11:05:59

18 Q. Does that happen often? 11:05:59

19 A. I don't know how often it happens. It 11:06:02

20 happens sometimes when I'm looking for a new job. I 11:06:04

21 mean, I want to be paid fairly so I want to 11:06:07

22 understand what jobs are available and how much they 11:06:09

23 pay. So I generally will talk to more than one 11:06:14

24 potential employer when I'm looking for a job and 11:06:20

25 try to ascertain how much they are going to pay, at 11:06:25

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 least what the ballpark is. 11:06:29

2 Q. And when you're not looking for a job, do 11:06:31

3 you get recruiter calls when they sometimes tell you 11:06:32

4 the compensation range for certain positions? 11:06:36

5 A. No, if I'm not looking for a job, I'm not 11:06:39

6 interested in getting to that level of talking about 11:06:41

7 compensation. I mean, when I'm not looking for a 11:06:44

8 job -- there have been sometimes where I'm not 11:06:47

9 looking for a job, but I'd be willing to take a call 11:06:48

10 to think about taking another job. And, you know, 11:06:52

11 in that case, I will start talking about what the 11:06:54

12 job will look like. That's got to be my first 11:06:57

13 concern, and it wouldn't be until I seriously 11:06:59

14 consider working there that I would start talking 11:07:01

15 about compensation. 11:07:06

16 Q. So is the thing that's most important to 11:07:08

17 you at a job whether you're a good fit? 11:07:15

18 MR. GLACKIN: Objection, vague. 11:07:17

19 THE WITNESS: Everything is important to 11:07:19

20 me. I want it to be a good fit, and I want to be 11:07:21

21 paid fairly, and -- 11:07:24

22 BY MS. KAHN: 11:07:26

23 Q. And what do you mean when you say -- 11:07:26

24 MR. GLACKIN: Excuse me, I'm sorry, were 11:07:27

25 you finished answering? 11:07:28

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | |
|----|---|----------|
| 1 | A. Probably either e-mail or phone. | 11:44:18 |
| 2 | Q. Would they sometimes provide you with | 11:44:22 |
| 3 | compensation information in that initial contact? | 11:44:24 |
| 4 | A. I don't know. | 11:44:27 |
| 5 | Q. Do you recall any instance where that | 11:44:28 |
| 6 | happened? | 11:44:30 |
| 7 | A. I don't recall an instance where that | 11:44:32 |
| 8 | happened. | 11:44:34 |
| 9 | Q. Do you still use Monster today? | 11:44:34 |
| 10 | A. Not actively. Like I said, I may have | 11:44:36 |
| 11 | logged in out of curiosity to see if it still | 11:44:39 |
| 12 | exists, but I don't consider it a very robust job | 11:44:43 |
| 13 | search tool anymore. | 11:44:47 |
| 14 | Q. What is your understanding based on when | 11:44:52 |
| 15 | you say that? | 11:44:54 |
| 16 | A. It just didn't seem like it had as much | 11:44:57 |
| 17 | tech jobs they used to, so it's not based on | 11:45:00 |
| 18 | anything other than intuition. | 11:45:04 |
| 19 | Q. Was it based on your sense of being on | 11:45:09 |
| 20 | Indeed and LinkedIn and the other sites you are now | 11:45:11 |
| 21 | active in? | 11:45:15 |
| 22 | MR. GLACKIN: Objection, vague. | 11:45:15 |
| 23 | THE WITNESS: It's not really based on | 11:45:17 |
| 24 | anything. | 11:45:22 |
| 25 | BY MS. KAHN: | 11:45:29 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 Q. When you went on Monster and you had that 11:45:29
2 thought that it's not as robust as the other 11:45:31
3 websites, was it because you had seen additional 11:45:34
4 jobs on other websites that you were not seeing on 11:45:40
5 Monster? 11:45:43

6 A. I don't know. 11:45:47

7 Q. Did you have a sense of what job 11:45:58
8 opportunities were out there, you were just not 11:46:00
9 seeing it on Monster? 11:46:02

10 MR. GLACKIN: Objection, vague. 11:46:03

11 THE WITNESS: No, I did not have a sense of 11:46:05
12 what job opportunities were out there. That's why I 11:46:06
13 was looking online to try to get a sense of what job 11:46:09
14 opportunities were out there. 11:46:13

15 BY MS. KAHN: 11:46:15

16 Q. And is looking online an effective way of 11:46:15
17 finding out about job opportunities? 11:46:17

18 A. It seemed to be a primary way to find out 11:46:19
19 job opportunities. To look online and to network 11:46:23
20 with associates of yours are two primary ways people 11:46:25
21 find jobs. 11:46:32

22 Q. Do you network as a means of finding a job 11:46:44
23 opportunity? 11:46:47

24 A. And also I'd like to amend what I said. 11:46:47
25 When I say "look online," I mean make yourself 11:46:50

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 available online so that recruiters can contact you, 11:46:53
2 that's included in that. 11:46:56
3 And I'm sorry, what was your next question? 11:47:03
4 Q. Yeah, sure. Do you use networking as a 11:47:06
5 means of finding job opportunities? 11:47:09
6 A. I have done so. 11:47:16
7 Q. How often? 11:47:17
8 A. I can't say how often throughout the course 11:47:19
9 of my career. I just know that recently I have done 11:47:21
10 so on at least one occasion. 11:47:24
11 Q. When was that? 11:47:31
12 A. This year. I knew that a co-worker of mine 11:47:32
13 had interviews at Netflix, and I talked to that 11:47:38
14 co-worker. He had decided not to work at Netflix, 11:47:47
15 so he told me about it, and I contacted them. They 11:47:52
16 had previously contacted me, though, so I can't say 11:47:55
17 that's really true networking because Netflix 11:47:57
18 reached out to me first. And I talked to them, but 11:48:02
19 I was not really interested in leaving OnLive at 11:48:05
20 that time. 11:48:07
21 And then several months later, I was 11:48:07
22 working as a contractor at Google, and my co-worker 11:48:08
23 got the job I -- got a different job. He didn't 11:48:11
24 take the Netflix job, he told me about it. I 11:48:13
25 contacted the recruiters, again, that had contacted 11:48:16

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 me several months prior at Netflix. And they said, 11:48:19
2 "Hey, want to come in and interview for that?" And 11:48:25
3 they offered me a job, but I did not take it. 11:48:25
4 Q. Before this one instance that you just 11:48:32
5 described, had you previously talked to co-workers 11:48:33
6 about job opportunities, generally? 11:48:36
7 A. I have talked to co-workers about job 11:48:39
8 opportunities generally with some amount of 11:48:42
9 frequency, and I can't really give you an exact 11:48:45
10 specificity with how frequently that has been. 11:48:49
11 Q. What kind of information is exchanged when 11:48:54
12 you talk with co-workers about job opportunities? 11:48:58
13 A. You would talk about all the various things 11:49:02
14 I mentioned previously that make up what goes into 11:49:05
15 an attractive job offer. Which would include, you 11:49:08
16 know, is it a big, stable company with lots of nice 11:49:12
17 benefits, or is it conversely a small exciting 11:49:16
18 start-up with lots of stock potential. Is it a 11:49:19
19 company that has a big corporate culture and they 11:49:26
20 treat their employees well, opportunity for 11:49:29
21 advancement, good people to work with, good 11:49:32
22 technology to work on, right set of things that fit 11:49:35
23 my skill set, and compensation overall is very 11:49:39
24 important. 11:49:48
25 Q. When you say "compensation overall," what 11:49:51

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 full time. 16:26:27

2 The reason I left is because I started 16:26:27

3 to -- even when I went back to Google, I thought 16:26:34

4 there was a good chance I was going to leave to 16:26:37

5 begin with. I just wanted to go somewhere that I 16:26:41

6 knew I liked for a while until I figured out where 16:26:45

7 to go next. Google would have been somewhere I 16:26:49

8 would have stayed forever, if I could have got full 16:26:53

9 time there. 16:26:55

10 But I had learned the second time around it 16:26:55

11 wasn't going to be possible without going through 16:26:57

12 the same type of interview I went through the first 16:27:01

13 time. And I started getting a little down on myself 16:27:03

14 again, as I do sometimes, thinking, gee, maybe I 16:27:07

15 just don't have what it takes. Because the bar, 16:27:09

16 like I said, is ridiculously high for the full time 16:27:14

17 equivalent for my position. 16:27:18

18 So I took another contract at Semantic, and 16:27:21

19 it was paying \$4 an hour more, so that was one 16:27:27

20 reason. And it was -- I mean, the more important 16:27:34

21 reason was I was told at Semantic that they always 16:27:35

22 end up converting people, unlike Google, to full 16:27:38

23 time. So I thought, well, that would be a way to 16:27:44

24 become a full-time employee at a big company and 16:27:46

25 hopefully have a better experience than I had at 16:27:51

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 Adobe. 16:27:54

2 Q. Was converting to regular employee status 16:27:54

3 important to you? 16:27:58

4 A. Yes. 16:28:00

5 Q. Why is that? 16:28:00

6 A. Because at places like Google, where they 16:28:02

7 have these people that are working as contractors 16:28:07

8 for seven years -- and I know some of them -- they 16:28:14

9 tend to treat the contractors as second-class 16:28:17

10 citizens. Just feels sort of, you know, isolating. 16:28:25

11 Despite the fact that you have some of the same 16:28:27

12 perks that they do and you get good money, it's sort 16:28:32

13 of a -- sort of a distinction that a lot of people 16:28:35

14 find a little -- gets a little old after a while. 16:28:39

15 And I don't -- then I sort of got to the point where 16:28:49

16 I was tired of dealing with that. 16:28:51

17 Q. How did you find the Semantic job? 16:28:55

18 A. netPolarity was the employer for Semantic 16:29:00

19 and I believe they reached out to me through either 16:29:06

20 an e-mail or a phone call. 16:29:11

21 Q. When you were working for Modus at Google 16:29:16

22 the second time around, were you actively looking 16:29:22

23 for another job? 16:29:24

24 A. I -- I don't know. Initially, I doubt it. 16:29:27

25 But as I said, right from the start when I went back 16:29:31

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | |
|----|---|----------|
| 1 | to Modus, I knew that it was a contingent worker | 16:29:35 |
| 2 | position and I needed -- if I wasn't going to be | 16:29:38 |
| 3 | converted to full time, that I would eventually be | 16:29:41 |
| 4 | looking for something else. | 16:29:44 |
| 5 | Q. And when did you find out you weren't going | 16:29:45 |
| 6 | to be converted to full time? | 16:29:48 |
| 7 | A. I don't know that there was a specific day | 16:29:49 |
| 8 | that I can recall. | 16:29:55 |
| 9 | Q. Month? | 16:29:56 |
| 10 | A. No. I don't recall a specific event that | 16:29:58 |
| 11 | caused me to think, this is it for sure, other than | 16:30:00 |
| 12 | the fact that I had worked -- things I've already | 16:30:04 |
| 13 | said. So I don't want to repeat myself. | 16:30:08 |
| 14 | Q. Do you recall applying for jobs when you | 16:30:12 |
| 15 | were at Google? | 16:30:13 |
| 16 | A. I don't recall applying for jobs when I was | 16:30:17 |
| 17 | at Google. | 16:30:23 |
| 18 | Q. Do you recall getting contacted by | 16:30:24 |
| 19 | recruiters? | 16:30:27 |
| 20 | A. Well, I mentioned at least one case where I | 16:30:28 |
| 21 | do recall that. Other than that, I don't have any | 16:30:31 |
| 22 | specific recollection of that. | 16:30:32 |
| 23 | Q. Was the recruiter contacting you because | 16:30:36 |
| 24 | you had posted your resume? | 16:30:39 |
| 25 | MR. GLACKIN: Objection, foundation. | 16:30:41 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | |
|----|--|----------|
| 1 | A. Yes. | 17:40:04 |
| 2 | Q. And that was the pay from eTouch? | 17:40:05 |
| 3 | A. That's right. | 17:40:08 |
| 4 | Q. How did that pay increase come about? | 17:40:09 |
| 5 | A. When I first went back to Google, it was | 17:40:11 |
| 6 | frankly because I had decided I couldn't stand Chris | 17:40:14 |
| 7 | Owens, and I knew OnLive was about to collapse | 17:40:16 |
| 8 | anyway, and I needed somewhere to go so that I could | 17:40:22 |
| 9 | continue having steady employment. And I knew | 17:40:26 |
| 10 | Google was a good place to go. And just like in the | 17:40:28 |
| 11 | past, I knew it was not somewhere I was likely to | 17:40:31 |
| 12 | stay for a long time unless things had changed | 17:40:36 |
| 13 | again, but I was more than happy to go there for | 17:40:39 |
| 14 | some time. | 17:40:42 |
| 15 | When I was told it was \$54 an hour, the | 17:40:42 |
| 16 | thing that was on my mind right from the start is, | 17:40:46 |
| 17 | this is not going to be a very long time at all | 17:40:46 |
| 18 | because \$54 an hour comes out to the same as what I | 17:40:46 |
| 19 | was making at OnLive with no benefits whatsoever. | 17:40:50 |
| 20 | And it was definitely a step down. So it was -- | 17:40:53 |
| 21 | excuse me. I didn't have to interview. I just -- | 17:40:54 |
| 22 | other than the little phone interview I described. | 17:41:00 |
| 23 | I had to tell OnLive I quit and start. So I | 17:41:04 |
| 24 | thought, I'll go there and I'll just look for | 17:41:08 |
| 25 | something else while I'm there. I would be there | 17:41:11 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 for a few months. And I went there, and I was 17:41:15
2 placed initially on the Google+ team, and they 17:41:17
3 really had no structured QA environment, the way 17:41:21
4 that I remembered Gmail being. But it was because 17:41:25
5 the way they are shipping their product, so quick. 17:41:28

6 Well, again, this might get into some sort 17:41:33
7 of NDA thing with Google. 17:41:36

8 Q. Well -- 17:41:40

9 A. I guess Google would have to -- would have 17:41:41
10 to -- 17:41:41

11 Q. But -- 17:41:41

12 A. But -- 17:41:41

13 Q. Can I -- 17:41:41

14 A. Yes. 17:41:41

15 Q. -- interrupt? I just want to know how your 17:41:41
16 pay increase came about. 17:41:44

17 [REDACTED] 17:41:46

18 [REDACTED] 17:41:49

19 [REDACTED] 17:41:54

20 [REDACTED] 17:42:01

21 [REDACTED] 17:42:05

22 [REDACTED] 17:42:11

23 [REDACTED] 17:42:13

24 [REDACTED] 17:42:20

25 [REDACTED] 17:42:26

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | |
|----|------------|----------|
| 1 | [REDACTED] | 17:42:27 |
| 2 | [REDACTED] | 17:42:30 |
| 3 | [REDACTED] | 17:42:32 |
| 4 | [REDACTED] | 17:42:34 |
| 5 | [REDACTED] | 17:42:38 |
| 6 | [REDACTED] | 17:42:40 |
| 7 | [REDACTED] | 17:42:45 |
| 8 | [REDACTED] | 17:42:47 |
| 9 | [REDACTED] | 17:42:49 |
| 10 | [REDACTED] | 17:42:49 |
| 11 | [REDACTED] | 17:42:53 |
| 12 | [REDACTED] | 17:42:56 |
| 13 | [REDACTED] | 17:42:58 |
| 14 | [REDACTED] | 17:42:59 |
| 15 | [REDACTED] | 17:43:02 |
| 16 | [REDACTED] | 17:43:06 |
| 17 | [REDACTED] | 17:43:09 |
| 18 | [REDACTED] | 17:43:11 |
| 19 | [REDACTED] | 17:43:20 |
| 20 | [REDACTED] | 17:43:25 |
| 21 | [REDACTED] | 17:43:28 |
| 22 | [REDACTED] | 17:43:31 |
| 23 | [REDACTED] | 17:43:34 |
| 24 | [REDACTED] | 17:43:41 |
| 25 | [REDACTED] | 17:43:44 |

Page 328

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

| | | |
|----|--|----------|
| 1 | Q. Do you know what other contractors were | 17:43:46 |
| 2 | making at Google? | 17:43:49 |
| 3 | A. I -- | 17:43:50 |
| 4 | MR. GLACKIN: Objection, vague. | 17:43:50 |
| 5 | MS. KAHN: You can answer. | 17:43:54 |
| 6 | THE WITNESS: The -- which contractors? | 17:43:57 |
| 7 | BY MS. KAHN: | 17:43:59 |
| 8 | Q. Quality engineer contractors. | 17:43:59 |
| 9 | A. I know -- I don't know what they were | 17:44:04 |
| 10 | making. I know what -- I know what the vendor was | 17:44:05 |
| 11 | being paid is equivalent to what I was being paid | 17:44:07 |
| 12 | because that's what my manager told me. He told me, | 17:44:10 |
| 13 | "You can take" -- "your negotiations with the vendor | 17:44:14 |
| 14 | is between you and the vendor. All I can tell you | 17:44:17 |
| 15 | is I'm going to pay the vendor the same for you as | 17:44:19 |
| 16 | I'm paying for these other people who are senior | 17:44:22 |
| 17 | people." | 17:44:25 |
| 18 | MS. KAHN: Take a short break? | 17:44:30 |
| 19 | THE VIDEOGRAPHER: We are off the record at | 17:44:32 |
| 20 | 5:44 p.m. | 17:44:33 |
| 21 | (Recess taken.) | 17:57:07 |
| 22 | THE VIDEOGRAPHER: We are back on the | 17:57:10 |
| 23 | record at 5:57 p.m. | 17:57:11 |
| 24 | BY MS. KAHN: | 17:57:16 |
| 25 | Q. And just real quick, going back to Adobe, | 17:57:16 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me,
13 and were thereafter transcribed under my direction
14 and supervision, and that the foregoing pages
15 contain a full, true and accurate record of all
16 proceedings and testimony to the best of my skill
17 and ability.

18 I further certify that I am neither counsel for
19 any party to said action, nor am I related to any
20 party to said action, nor am I in any way interested
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my
23 name this 1st day of November, 2012.

24


25 ASHLEY SOEVYN
CSR NO. 12019

Page 341